

# Village of Volente

## PLANNING AND ZONING COMMISSION ESTABLISHMENT ORDINANCE NO. 2004-O-24

**AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, ESTABLISHING THE PLANNING AND ZONING COMMISSION AND RULES GOVERNING THEIR PROCEDURES AND MEETINGS AND PROVIDING FOR THE FOLLOWING: PURPOSE; MEMBERSHIP AND APPOINTMENT; APPOINTMENT OF CHAIR AND VICE-CHAIR; TERMS OF OFFICE; FILLING OF VACANCIES; REMOVAL OF COMMISSIONERS; MOTIONS AT MEETINGS; DISQUALIFICATION FROM VOTING; RULES OF PROCEDURE; DUTIES AND POWERS; CONFLICTING PROVISIONS; SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS,** the Village of Volente ("Volente") is a newly-created governmental entity that was incorporated pursuant to the laws of the State of Texas as a Type B General-Law Municipality following an election held on February 1, 2003; and

**WHEREAS,** the City Council of Volente ("Council") has actively been studying and evaluating the impact of development; documenting development at the time of incorporation; and considering regulations that seek to provide for the orderly and safe development of land and use of property within its Village limits (i.e. incorporated municipal boundary) and to avoid development that may constitute a public nuisance, impose an unreasonable burden on public infrastructure, or unreasonably disturb and devalue adjoining properties; and

**WHEREAS,** the Council seeks to preserve the health, safety and general welfare of the community by enacting comprehensive development, subdivision and zoning regulations that provide for orderly growth, insure that the impact of development has an acceptable impact on the distinctive character of the community and preserve the cultural and aesthetic character of the Village; and

**WHEREAS,** the Council seeks to promote a positive Village image reflecting order, harmony and pride, thereby strengthening the economic stability of the Village's commercial, cultural, environmental, historical, residential and scenic areas; and

**WHEREAS,** the Council has finds it to be in the best interest of the public safety, health and general welfare of the Village to regulate the use and development of land so to preserve the quality of life for Village residents, prohibit overcrowding, reduce strain on infrastructure, and prevent the loss of historical and ecological resources; and

**WHEREAS,** the Village Council is expressly authorized by the Texas Standard Zoning Enabling Act, Texas Local Government Code, Chapter 212, to adopt zoning regulations and appoint a Planning and Zoning Commission.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS: THAT THE FOLLOWING RULES SHALL ESTABLISH, REGULATE AND GOVERN THE PLANNING AND ZONING COMMISSION FOR THE VILLAGE OF VOLENTE, TEXAS.**

**SECTION 1. Purpose.**

A Planning and Zoning Commission is created to accomplish the following purposes:

(A) To identify community needs and advise the Council of their short-range and long-range implications for the total development of the Village;

(B) To recommend achievable community goals as a basis for long-range planning and development programs;

(C) To recommend plans, programs, and policies that will aid the entire community in achieving its defined goals;

(D) To recommend to the Village Council the adoption, amendment and repeal of various provisions in the Village Master or Comprehensive Plan;

(E) To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies;

(F) To recommend to the Village Council the adoption, modification and repeal of provisions in the Village's zoning ordinances;

(G) To recommend to the Village Council the initial and changes to the zoning of the various parcels of land in the Village;

(H) To recommend to the Village Council the adoption, modification and repeal of provisions in the Village's subdivision ordinances;

(I) To recommend to the Village Council the approval, approval with modification or rejection of various applications for subdivision and re-subdivision of land within the Village.

(J) To recommend to the Village Council the provisions for such other ordinances as from time to time may be requested by the Village Council.

**SECTION 2. Membership and Appointment.**

The Planning and Zoning Commission shall be composed of five (5) qualified voters who reside in the Village. The Village Council will consider for appointment to the Commission those persons who have demonstrated their civic interest, general knowledge of the community, independent judgment, interest in planning and zoning, and availability to attend meetings. The Village Council shall strive to appoint members who, by reason of their occupations and the areas of the Village in which they reside, will be broadly representative of the community.

### **SECTION 3. Appointment of Chair and Vice-Chair.**

The Mayor with the approval of the Village Council shall appoint the Chair and Vice-Chair.

### **SECTION 4. Terms of Office; Filling of Vacancies.**

The terms of two of the members shall expire on January 1st of each odd-numbered year and the terms of three of the members shall expire on January 1st of even-numbered years. Place numbers one through five shall identify the members of the Commission. Commission members may be appointed to successive terms. A member of the Commission shall serve until his or her successor is appointed and installed. The Village Council shall fill vacancies for the uncompleted term of any vacant position. Newly appointed members shall be installed at the first regular commission meeting after their appointment.

### **SECTION 5. Removal of Commissioners.**

The Village Council may by majority vote remove a Commissioner for lack of confidence, incompetence, corruption, misconduct, or malfeasance. Any Commissioner who misses three (3) consecutive meetings within a twelve (12) month time period or one-third (1/3) of all regular meetings shall be deemed to have automatically vacated his/her position on the Commission. This section shall not apply to a Commissioner who applied for and received an excused absence from the Commission chairperson prior to the meeting(s) at issue. Any Commissioner who no longer resides within the corporate boundaries is deemed to have automatically vacated his/her position on the Commission.

### **SECTION 6. Motions at Meetings.**

(A) A motion may be made by any member other than the presiding officer. The presiding officer may second a motion and may vote on all matters considered by the Commission.

(B) A motion to approve any matter before the Commission or to recommend approval of any request requiring Village Council action shall require a majority vote of the members present and voting.

### **SECTION 7. Disqualification from Voting.**

A member shall disqualify himself/herself from voting whenever the member has a personal or monetary interest in a matter before the Commission that is substantially different from the interest of the other citizens of the Village, or if the value of the member's property will be affected in a substantially different manner than other properties within the Village.

### **SECTION 8. Rules of Procedure.**

(A) Organization and officers.

(1) Officers.

(a) In the absence of both the Chair and Vice-Chair, the Commission shall elect an Acting Chair.

(b) The Village Secretary shall be custodian of the minutes and other official records, shall attend to the correspondence of the Commission and shall cause to be given such notices as are required and in the manner prescribed by law.

(2) Rules of Order. Roberts Rules of Order, as amended, shall be the Commission's final authority on all questions of procedure and parliamentary law not covered by these Rules of Procedure.

(B) Meetings

(1) Quorum. A quorum shall consist of three members.

(2) Agenda. The Village Secretary shall prepare an agenda for each meeting of the Commission, and shall attach to each agenda a report of matters pending further action by the Commission. The Village Secretary shall post a copy of the agenda in the Village Hall as required by law for a period of three full calendar days, not counting the day of posting, but which may count the day of the meeting.

(3) Regular Meetings. The Commission shall conduct regular meetings once a month at a time and place determined by resolution adopted by the Commission. The initial meeting of the Commission shall be called by the Village Council.

(4) Special Meetings. Special meetings for any purpose may be held: on the call of the Chair, or on request of two or more members and by giving written notice to all members deposited in the mail at least 72 hours before the meeting, or as may be scheduled by a majority of the Commission at any previous meeting. The convening authority shall determine the time and place of the special meeting.

(5) Public meetings. Any party in interest may appear in his/her own behalf or be represented by council or agent.

(C) Official Records.

(1) Official Records. The official records shall be the minutes of the Commission, together with all findings, decisions and other official records of the Commission.

(2) Recording of Vote. The minutes of the Commission's proceedings shall show the vote of each member, or indicate a member's absence or failure to vote.

(3) Files-Retention. All matters coming before the Commission shall be filed in the Village's records. Original papers of all requests and proposals shall be retained as a part of the permanent record.

(4) Public Record. The official records and citizen requests filed for Commission action in regular or special meetings shall be on file in the Village Hall and shall be open to public inspection during customary working hours.

(D) Application Procedures.

(1) Written Request Required. Every proposal submitted for Commission action shall be made in writing. Where appropriate, the Village shall provide application forms. The

proposal shall be accompanied by all prescribed fees and shall be complete in all respects before the Village shall accept it for filing.

(2) Schedules and Instructions. Every proposal or request for Commission action or recommendation shall be filed, processed and considered in accordance with this section.

(3) Submission and Supporting Information. Information supporting a request or recommendation to approve or disapprove any proposal before the Commission shall be submitted through the Village Secretary in writing or to the Commission in public meeting.

(4) Withdrawal of Proposal. When any applicant desires to withdraw his or her proposal, he or she may do so by filing a written request with the Village Secretary. Such request shall be effective upon the date of its official receipt, provided, however, that no such request shall be valid after notices have been mailed, except on action of the Commission. Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the Village, and the case file shall be closed.

#### **SECTION 9. Duties and Powers.**

The Planning and Zoning Commission is charged with the duty and invested with the authority to:

(A) Inspect property and premises at reasonable hours when required to discharge its responsibilities under the laws of the State and of the Village.

(B) Formulate and recommend to the Village Council for its adoption a comprehensive plan for the orderly growth and development of the Village and its environs, and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the Village.

(C) Formulate a zoning plan as may be deemed best to carry out the goals of the comprehensive plan; hold public hearings and make recommendations to the Village Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in the Texas Local Government Code, as amended.

(D) Exercise all the powers of a commission as to the approval or disapproval of plans, plats, or replats and vacations of plans, plats or replats as provided in the Texas Local Government Code.

(E) Study and make recommendations on the location, extension, planning, vacating, and closing of public rights-of-way, parks and other public places.

(F) Formulate and recommend to the Village Council policies and regulations consistent with the adopted comprehensive plan governing the location and/or operation of utilities, public facilities, and services owned or under the control of the Village.

(G) Review and make recommendations concerning annexation of land into the Village.

**SECTION 10. Conflicting Provisions.**

In the case of any conflict between the other provisions of this Ordinance and any existing ordinance of the Village, the provisions of this Ordinance will control.

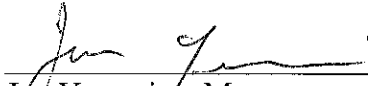
**SECTION 11. Severability.**

If any part of this ordinance, or the application of the same to any person, or set of circumstances is for any reason held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this ordinance shall not be affected thereby, this being the intent of the City Council in adopting this ordinance and all provisions of this ordinance are declared severable for that purpose.


**SECTION 12. Effective Date.**

This Ordinance shall become effective upon approval of the City Council.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE VILLAGE OF  
VOLENTE, TEXAS on this 20<sup>th</sup> day of July 2004.**

  
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Jan Yenawine, Mayor  
Village of Volente

Attest:

  
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Jennifer Zufelt, City Secretary

Approved to Form:

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Tom Buckle, City Attorney